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S. 2488

To establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 2, 2004

Mr. INOUE (for himself, Mr. STEVENS, Mr. HOLLINGS, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Marine Debris Re-
5 search and Reduction Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress makes the following
3 findings:

4 (1) The oceans, which comprise nearly three
5 quarters of the Earth's surface, are an important
6 source of food and provide a wealth of other natural
7 products that are important to the economy of the
8 United States and the world.

9 (2) Ocean and coastal areas are regions of re-
10 markably high biological productivity, are of consid-
11 erable importance for a variety of recreational and
12 commercial activities, and provide a vital means of
13 transportation.

14 (3) Ocean and coastal resources are limited and
15 susceptible to change as a direct and indirect result
16 of human activities, and such changes can impact
17 the ability of the ocean to provide the benefits upon
18 which the Nation depends.

19 (4) Marine debris, including plastics, derelict
20 fishing gear, and a wide variety of other objects, has
21 a harmful and persistent effect on marine flora and
22 fauna and can have adverse impacts on human
23 health and navigation safety.

24 (5) Marine debris is also a hazard to naviga-
25 tion, putting mariners and rescuers, their vessels,
26 and consequently the marine environment at risk,

1 and can cause economic loss due to entanglement of
2 vessel systems.

3 (6) Modern plastic materials persist for decades
4 in the marine environment and therefore pose the
5 greatest potential for long-term damage to the ma-
6 rine environment.

7 (7) Lack of knowledge and data on the source,
8 movement, and effects of plastics and other marine
9 debris in marine ecosystems has hampered efforts to
10 develop effective approaches for addressing marine
11 debris.

12 (8) Lack of resources, priority attention to this
13 issue, and coordination at the Federal level has un-
14 dermined the development and implementation of a
15 Federal program to address marine debris, both do-
16 mestically and internationally.

17 (b) PURPOSES.—The purposes of this Act are—

18 (1) to establish programs within the National
19 Oceanic and Atmospheric Administration and the
20 United States Coast Guard to help identify, assess,
21 reduce, and prevent marine debris and its adverse
22 impacts on the marine environment and navigation
23 safety, in coordination with other Federal and non-
24 Federal entities;

1 (2) to re-establish the Inter-agency Marine De-
 2 bris Coordinating Committee to ensure a coordinated
 3 government response across Federal agencies;

4 (3) to develop a Federal information clearing-
 5 house to enable researchers to study the scale and
 6 impact of marine debris more efficiently; and

7 (4) to take appropriate action in the inter-
 8 national community to prevent marine debris and re-
 9 duce concentrations of existing debris on a global
 10 scale.

11 **SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL**
 12 **PROGRAM.**

13 (a) ESTABLISHMENT OF PROGRAM.—There is estab-
 14 lished, within the National Oceanic and Atmospheric Ad-
 15 ministration, a Marine Debris Prevention and Removal
 16 Program to reduce and prevent the occurrence and ad-
 17 verse impacts of marine debris on the marine environment
 18 and navigation safety.

19 (b) PROGRAM COMPONENTS.—Through the Program,
 20 the Under Secretary for Oceans and Atmosphere (Under
 21 Secretary) shall carry out the following activities:

22 (1) MAPPING, IDENTIFICATION, IMPACTS, RE-
 23 MOVAL, AND PREVENTION.—The Under Secretary
 24 shall, in consultation with relevant Federal agencies,
 25 undertake marine debris mapping, identification, im-

1 pact assessment, prevention, and removal efforts,
2 with a focus on marine debris posing a threat to
3 living marine resources (particularly endangered or
4 protected species) and navigation safety, including—

5 (A) the establishment of a process for
6 cataloguing and maintaining an inventory of
7 marine debris and its impacts found in the
8 United States navigable waters and the United
9 States exclusive economic zone, including loca-
10 tion, material, size, age, and origin, and im-
11 pacts on habitat, living marine resources,
12 human health, and navigation safety;

13 (B) measures to identify the origin, loca-
14 tion, and projected movement of marine debris
15 within the United States navigable waters and
16 the United States exclusive economic zone, in-
17 cluding the use of oceanographic, atmospheric,
18 satellite, and remote sensing data; and

19 (C) development and implementation of
20 strategies, methods, priorities, and a plan, for
21 removing marine debris from United States
22 navigable waters and within the United States
23 exclusive economic zone, including development
24 of local or regional protocols for removal of der-
25 elict fishing gear.

1 (2) REDUCING AND PREVENTING LOSS OF
2 GEAR.—The Under Secretary shall improve efforts
3 and actively seek to prevent and reduce commercial
4 fishing gear losses, as well as to reduce adverse im-
5 pacts of such gear on living marine resources and
6 navigation safety, including—

7 (A) research and development of alter-
8 natives to gear posing threats to the marine en-
9 vironment, and methods for marking gear used
10 in specific fisheries to enhance the tracking and
11 identification of lost gear; and

12 (B) development of voluntary or manda-
13 tory management measures to reduce the loss
14 and discard of commercial fishing gear, such as
15 incentive programs, observer programs, toll-free
16 reporting hotlines, and computer-based notifica-
17 tion forms.

18 (3) OUTREACH.—The Under Secretary shall
19 undertake outreach and education of stakeholders,
20 including the fishing, gear manufacturers, and other
21 marine-dependent industries, on threats associated
22 with marine debris and approaches to identify, pre-
23 vent, mitigate, monitor, and remove marine debris,
24 including outreach and education activities through
25 public-private initiatives. The Under Secretary shall

1 coordinate outreach and education activities under
2 this paragraph with any outreach programs con-
3 ducted under section 2204 of the Marine Plastic
4 Pollution Research and Control Act of 1987 (33
5 U.S.C. 1915).

6 (c) GRANTS.—

7 (1) IN GENERAL.—The Under Secretary shall
8 provide financial assistance, in the form of grants,
9 through the Program for projects to accomplish the
10 purposes of this Act.

11 (2) 50 PERCENT MATCHING REQUIREMENT.—

12 (A) IN GENERAL.—Except as provided in
13 subparagraph (B), Federal funds for any
14 project under this section may not exceed 50
15 percent of the total cost of such project. For
16 purposes of this subparagraph, the non-Federal
17 share of project costs may be provided by in-
18 kind contributions and other noncash support.

19 (B) WAIVER.—The Under Secretary may
20 waive all or part of the matching requirement
21 under subparagraph (A) if the Under Secretary
22 determines that no reasonable means are avail-
23 able through which applicants can meet the
24 matching requirement and the probable benefit

1 of such project outweighs the public interest in
2 such matching requirement.

3 (3) AMOUNTS PAID AND SERVICES RENDERED
4 UNDER CONSENT.—

5 (A) CONSENT DECREES AND ORDERS.—

6 The non-Federal share of the cost of a project
7 carried out under this Act may include money
8 paid pursuant to, or the value of any in-kind
9 service performed under, an administrative
10 order on consent or judicial consent decree that
11 will remove or prevent marine debris.

12 (B) OTHER DECREES AND ORDERS.—The
13 non-Federal share of the cost of a project car-
14 ried out under this Act may not include any
15 money paid pursuant to, or the value of any in-
16 kind service performed under, any other admin-
17 istrative order or court order.

18 (4) ELIGIBILITY.—Any natural resource man-
19 agement authority of a State or other government
20 authority whose activities directly or indirectly affect
21 research or regulation of marine debris, and any
22 educational or nongovernmental institutions with
23 demonstrated expertise in a field related to marine
24 debris, are eligible to submit to the Under Secretary
25 a marine debris proposal under the grant program.

1 (5) GRANT CRITERIA AND GUIDELINES.—With-
2 in 180 days after the date of enactment of this Act,
3 the Under Secretary shall promulgate necessary
4 guidelines for implementation of the grant program,
5 including development of criteria and priorities for
6 grants. In developing those guidelines, the Under
7 Secretary shall consult with—

8 (A) the Interagency Marine Debris Com-
9 mittee;

10 (B) regional fishery management councils
11 established under the Magnuson-Stevens Fish-
12 ery Conservation and Management Act (16
13 U.S.C. 1801 et seq.);

14 (C) State, regional, and local entities with
15 marine debris experience;

16 (D) marine-dependent industries; and

17 (E) non-governmental organizations in-
18 volved in marine debris research and mitigation
19 activities (including activities regarding com-
20 mercial fishing gear).

21 (6) PROJECT REVIEW AND APPROVAL.—The
22 Under Secretary shall review each marine debris
23 project proposal to determine if it meets the grant
24 criteria and supports the goals of the Act. Not later

1 than 120 days after receiving a project proposal
2 under this section, the Under Secretary shall—

3 (A) provide for external merit-based peer
4 review of the proposal;

5 (B) after considering any written com-
6 ments and recommendations based on the re-
7 view, approve or disapprove the proposal; and

8 (C) provide written notification of that ap-
9 proval or disapproval to the person who sub-
10 mitted the proposal.

11 (7) PROJECT REPORTING.—Each grantee under
12 this section shall provide periodic reports as required
13 by the Under Secretary. Each report shall include all
14 information required by the Under Secretary for
15 evaluating the progress and success of the project.

16 **SEC. 4. COAST GUARD PROGRAM.**

17 The Commandant of the Coast Guard shall, in co-
18 operation with the Under Secretary, undertake measures
19 to reduce violations of MARPOL Annex V and the Act
20 to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.)
21 with respect to the discard of plastics and other garbage
22 from vessels. The measures shall include—

23 (1) the development of a strategy to improve
24 monitoring and enforcement of current laws, as well
25 as recommendations for statutory or regulatory

1 changes to improve compliance and for the develop-
2 ment of any appropriate amendments to MARPOL;

3 (2) regulations to improve the implementation
4 of the requirement of MARPOL Annex V and the
5 Act to Prevent Pollution from Ships (33 U.S.C.
6 1901 et seq.) that all United States ports and termi-
7 nals maintain receptacles for disposing of plastics,
8 including measures to ensure that a sufficient quan-
9 tity of such facilities exist at all such ports and ter-
10 minals, requirements for logging the waste received,
11 and for Coast Guard comparison of vessel and port
12 log books to determine compliance;

13 (3) regulations to require vessels, including
14 fishing vessels under 400 gross tons, entering
15 United States ports to maintain records subject to
16 Coast Guard inspection on the disposal of plastics
17 and other garbage, that, at a minimum, include the
18 time, date, type of garbage, quantity, and location of
19 discharge by latitude and longitude or, if discharged
20 on land, the name of the port where such material
21 is offloaded for disposal;

22 (4) regulations to require United States fishing
23 vessels to report the loss and recovery of fishing
24 gear and to expand to smaller vessels existing re-
25 quirements to maintain ship-board receptacles and

1 maintain a ship-board waste management plan, tak-
2 ing into account potential economic impacts, tech-
3 nical feasibility, and other factors;

4 (5) the development, through outreach to com-
5 mercial vessel operators and recreational boaters, of
6 a voluntary reporting program, along with the estab-
7 lishment of a central reporting location, for incidents
8 of damage to vessels caused by marine debris, as
9 well as observed violations of existing laws and regu-
10 lations relating to disposal of plastics and other ma-
11 rine debris; and

12 (6) a voluntary program encouraging United
13 States flag vessels to inform the Coast Guard of any
14 ports in other countries that lack adequate port re-
15 ception facilities for garbage.

16 **SEC. 5. INTERAGENCY COORDINATION.**

17 (a) INTERAGENCY MARINE DEBRIS COMMITTEE ES-
18 TABLISHED.—There is established an Interagency Com-
19 mittee on Marine Debris to coordinate a comprehensive
20 program of marine debris research and activities among
21 Federal agencies, in cooperation and coordination with
22 non-governmental organizations, industry, universities,
23 and research institutions, State governments, Indian
24 tribes, and other nations, as appropriate, and to foster
25 cost-effective mechanisms to identify, assess, reduce, and

1 prevent marine debris, including the joint funding of re-
2 search and mitigation and prevention strategies.

3 (b) MEMBERSHIP.—The Committee shall include a
4 senior official from—

5 (1) the National Oceanic and Atmospheric Ad-
6 ministration, who shall serve as the chairperson of
7 the Committee;

8 (2) the United States Coast Guard;

9 (3) the Environmental Protection Agency;

10 (4) the United States Navy;

11 (5) the Maritime Administration of the Depart-
12 ment of Transportation;

13 (6) the National Aeronautics and Space Admin-
14 istration;

15 (7) the Marine Mammal Commission; and

16 (8) such other Federal agencies that have an
17 interest in ocean issues or water pollution prevention
18 and control as the Secretary of Commerce deter-
19 mines appropriate.

20 (c) MEETINGS.—The Committee shall meet at least
21 twice a year to provide a forum to ensure the coordination
22 of national and international research, monitoring, edu-
23 cation, and regulatory actions addressing the persistent
24 marine debris problem.

25 (d) REPORTING.—

1 (1) INTERAGENCY REPORT ON MARINE DEBRIS
2 IMPACTS AND STRATEGIES.—Not later than 12
3 months after the date of the enactment of this Act,
4 the Committee, through the chairperson, and in co-
5 operation with the coastal States, Indian tribes, local
6 governments, and non-governmental organizations,
7 shall complete and submit to the Congress a report
8 examining the ecological and economic impact of
9 marine debris, alternatives for reducing, mitigating,
10 preventing, and controlling the harmful affects of
11 marine debris, and the social and economic costs and
12 benefits of such alternatives.

13 (2) CONTENTS.—The report submitted under
14 paragraph (1) shall provide recommendations on—

15 (A) establishing priority areas for action to
16 address leading problems relating to marine de-
17 bris;

18 (B) developing an effective strategy and
19 approaches to reducing, removing, and dis-
20 posing of marine debris, including through pri-
21 vate-public partnerships;

22 (C) providing appropriate infrastructure
23 for effective implementation and enforcement of
24 measures to prevent and remove marine debris,
25 especially the discard and loss of fishing gear;

1 (D) establishing effective and coordinated
2 education and outreach activities; and

3 (E) ensuring Federal cooperation with, and
4 assistance to, the coastal States (as defined in
5 section 304(4) of the Coastal Zone Management
6 Act of 1972 (16 U.S.C. 1453(4))), Indian
7 tribes, and local governments in the prevention,
8 reduction, management, mitigation, and control
9 of marine debris and its adverse impacts.

10 (3) ANNUAL PROGRESS REPORTS.—Not later
11 than 2 years after the date of the enactment of this
12 Act, and every year thereafter, the Committee,
13 through the chairperson, shall submit to the Com-
14 mittee on Commerce, Science, and Transportation of
15 the Senate and the Committee on Resources of the
16 House of Representatives a report that evaluates
17 United States and international progress in meeting
18 the purposes of this Act. The report shall include—

19 (A) the status of implementation of the
20 recommendations of the Committee and anal-
21 ysis of their effectiveness;

22 (B) a summary of the marine debris inven-
23 tory to be maintained by the National Oceanic
24 and Atmospheric Administration;

1 (C) a review of the National Oceanic and
2 Atmospheric Administration program author-
3 ized by section 3 of this Act, including projects
4 funded and accomplishments relating to reduc-
5 tion and prevention of marine debris;

6 (D) a review of United States Coast Guard
7 programs and accomplishments relating to ma-
8 rine debris removal, including enforcement and
9 compliance with MARPOL requirements; and

10 (E) estimated Federal and non-Federal
11 funding provided for marine debris and rec-
12 ommendations for priority funding needs.

13 (e) CONFORMING AMENDMENT.—Section 2203 of the
14 Marine Plastic Pollution Research and Control Act of
15 1987 (33 U.S.C. 1914) is repealed.

16 **SEC. 6. INTERNATIONAL COOPERATION.**

17 The Interagency Marine Debris Committee shall de-
18 velop a strategy and pursue in the International Maritime
19 Organization and other appropriate international and re-
20 gional forums, international action to reduce the incidence
21 of marine debris, including—

22 (1) the inclusion of effective and enforceable
23 marine debris prevention and removal measures in
24 international and regional agreements, including
25 fisheries agreements and maritime agreements;

1 (2) measures to strengthen and to improve
2 compliance with MARPOL Annex V;

3 (3) national reporting and information require-
4 ments that will assist in improving information col-
5 lection, identification and monitoring of marine de-
6bris, including plastics and derelict fishing gear;

7 (4) the establishment of an international data-
8 base, consistent with the information clearinghouse
9 established under section 7, that will provide current
10 information on location, source, prevention, and re-
11 moval of marine debris, including fishing gear;

12 (5) the establishment of public-private partner-
13 ships and funding sources for pilot programs that
14 will assist in implementation and compliance with
15 marine debris requirements in international agree-
16 ments and guidelines;

17 (6) the identification of possible amendments to
18 and provisions in the International Maritime Organi-
19 zation Guidelines for the Implementation of Annex V
20 of MARPOL for potential inclusion in Annex V; and

21 (7) when appropriate assist the responsible
22 Federal agency in bilateral negotiations to effectively
23 enforce marine debris prevention.

1 **SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.**

2 The Under Secretary, in coordination with the Com-
3 mittee, shall maintain a Federal information clearinghouse
4 on marine debris that will be available to researchers and
5 other interested parties to improve source identification,
6 data sharing, and monitoring efforts through collaborative
7 research and open sharing of data. The clearinghouse shall
8 include—

9 (1) standardized protocols to map locations of
10 commercial fishing and aquaculture activities using
11 Geographic Information System techniques;

12 (2) a world-wide database which describes fish-
13 ing gear and equipment, and fishing practices, in-
14 cluding information on gear types and specifications;

15 (3) guidance on the identification of gear frag-
16 ments; and

17 (4) the data on mapping and identification of
18 marine debris to be developed pursuant to section
19 3(b)(1) of this Act.

20 **SEC. 8. DEFINITIONS.**

21 In this Act:

22 (1) **UNDER SECRETARY.**—The term “Under
23 Secretary” means the Under Secretary for Oceans
24 and Atmosphere of the Department of Commerce.

1 (2) COMMITTEE.—The term “Committee”
 2 means the Interagency Marine Debris Committee es-
 3 tablished by section 5 of this Act.

4 (3) UNITED STATES EXCLUSIVE ECONOMIC
 5 ZONE.—The term “United States exclusive economic
 6 zone” means the zone established by Presidential
 7 Proclamation Numbered 5030, dated March 10,
 8 1983, including the ocean waters of the areas re-
 9 ferred to as “eastern special areas” in Article 3(1)
 10 of the Agreement between the United States of
 11 America and the Union of Soviet Socialist Republics
 12 on the Maritime Boundary, signed June 1, 1990.

13 (4) MARPOL; ANNEX V; CONVENTION.—The
 14 terms “MARPOL”, “Annex 5”, and “Convention”
 15 have the meaning given those terms in paragraphs
 16 (3) and (4) of section 2(a) of the Act to Prevent
 17 Pollution from Ships (33 U.S.C. 1901(a)).

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated for fiscal
 20 year 2005—

21 (1) to the Secretary of Commerce for the pur-
 22 pose of carrying out sections 3 and 7 of this Act,
 23 \$10,000,000, of which no more than 10 percent may
 24 be for administrative costs; and

1 (2) to the Secretary of the Department in which
2 the Coast Guard is operating, for the use of the
3 Commandant of the Coast Guard in carrying out
4 sections 4 and 6 of this Act, \$5,000,000, of which
5 no more than 10 percent may be used for adminis-
6 trative costs.

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